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LETTER DATED 6 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of Kuwait's position with respect to the developments that have taken place in connection with Iraq's remaining obligations under the Security Council resolutions relating to its aggression against the State of Kuwait since the Council's most recent review of the sanctions regime on 12 January 1995.

1. Kuwaiti and third-country prisoners and hostages

This is an issue to which Kuwait accords special priority in view of its purely humanitarian character and because it affects the sentiments of all Kuwaitis and of the peoples of those countries that have prisoners or hostages in Iraq. Iraq had declared that it would cooperate with the International Committee of the Red Cross (ICRC) in this matter and has recently participated in the meetings on prisoners and hostages held by the tripartite committee and its technical subcommittee. However, none of these meetings, the most recent of which was that of the technical subcommittee on 23 and 24 February 1995, has had any satisfactory outcome. During the meetings, Iraq instead demonstrated that it is lacking in seriousness in this domain. We can say with full assurance that Iraq's avowed cooperation with ICRC and its participation in the meetings of the tripartite committee and its technical subcommittee have thus far failed to produce any decisive result with respect to this extremely important humanitarian issue. That failure can be ascribed to the following reasons:

1. After an embargo that has lasted nearly three years, Iraq has only participated in such meetings in order to create the impression of pro-forma cooperation, particularly since the Security Council has continued to accord importance to this humanitarian issue and has insisted that Iraq cooperate in discharging this humanitarian obligation in a manner satisfactory to the Council.

2. The replies thus far provided by Iraq on the dossiers of prisoners and hostages have the real objective only of evading responsibility towards these innocent people, and they do not represent a genuine effort to bring their fate

to light and to carry out a serious search for those believed to be missing in Iraq in accordance with proper and customary procedures.

3. The Iraqi strategy in participating in a pro-forma manner in the meetings of the technical subcommittee is based on wasting time, engaging in disputations on nomenclature and the legal status of the prisoners and claiming that documents are lacking and that information is inadequate. Iraq does this with a view to getting through what it regards as the upcoming critical stage with regard to the sanctions issue, which it thinks apt to see the adoption of a resolution mitigating the sanctions without being affected or postponed by the issue of the prisoners and hostages.

Accordingly, Kuwait urges the States members of the Security Council to maintain their resolute positions of principle and to continue their earnest endeavours to compel Iraq to release all Kuwaiti and third-country prisoners and hostages immediately. Members of the Council should note the manner in which the Iraqi Government is dealing with this issue and through which it is seeking to deceive them and avoid addressing its legal responsibilities under this clear example of its remaining obligations.

2. Return of property seized during the Iraqi aggression

Iraq's limited cooperation in the matter of the return of the property seized during its invasion and occupation of Kuwait must not divert attention from the fact that there are many items, of which lists have been submitted by Kuwait, that have yet to be returned. (See our letters of 4 October 1994 (S/1994/1126) and 14 January 1995 (S/1995/14), both addressed to the Secretary-General.) Most significantly, the property in question includes some 200 armoured vehicles that remain in Iraq's possession and which the Iraqi regime used in its recent military deployments near the boundaries with Kuwait. Further, Iraq maintains its refusal to return the HAWK missile system, which remains in its possession. Kuwait also attaches the utmost importance to the return by Iraq of all the official documents looted by Iraqi forces from the Office of the Amir, the Office of the Crown Prince, the Cabinet Office and the Ministry of Foreign Affairs. No price can compensate for such documents, and they cannot be regarded as property such as that referred to the United Nations Compensation Commission. The Iraqi authorities continue to insist, moreover, that they are not responsible for the return of property stolen from the private sector. The value of that property exceeds hundreds of millions of dollars, and it was dispatched to Iraq on the basis of inventories drawn up by Iraqi ministries and signed and stamped by designated government agencies that came to Kuwait to supervise the theft and removal operations. We have in our possession originals and copies of such documents left behind by the Iraqi regime on its ejection.

Iraq has, moreover, yet to discharge its obligations with regard to the United Nations Compensation Fund, the renunciation of terrorism and the implementation of Security Council resolutions 706 (1991) and 712 (1991).

Kuwait attaches particular importance to the implementation by Iraq of the provisions of Security Council resolution 687 (1991) and would like to stress the following points:

1. It is important and essential for Iraq to take all necessary steps for the effective implementation of all the relevant Security Council resolutions in order to demonstrate its peaceful intentions towards the State of Kuwait and neighbouring States in a manner conducive to strengthening the foundations of security and stability in this vital region of the world.

2. The degree to which Iraq's obligations have thus far been discharged would not have been achieved had it not been for the firm will and the unity of outlook and purpose displayed by the members of the Security Council. We hope that this situation will continue until such time as Iraq's remaining obligations are also discharged.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative